

Docket No. 03-WW-015 Re Feisha
CK# 001738/62-9 Kevin
300⁰⁰ rd 12/22/08 Katie
2008 DEC 22 AM 10:48 Karen
DELAWARE

**APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY REQUIRED TO BEGIN OR EXPAND THE BUSINESS
OF A PUBLIC WASTEWATER UTILITY**

BEFORE THE PUBLIC SERVICE COMMISSION

This form of application must be filed for each new or expanding water system pursuant to 26 Del. C. §203D(d).

WASTEWATER UTILITIES:

1. Basis for application:

☐ a. The applicant is in possession of a signed service agreement with the developer of a proposed subdivision or development, which subdivision or development has been duly approved by the respective county government (26 Del. C. § 203D(d)(1)); or

☒ b. The applicant is in possession of a petition signed by a majority of the parcel owners of the proposed territory to be served (26 Del. C. § 203D(d)(2)); or
See Exhibit A

☐ c. The applicant is in possession of a duly certified copy of a resolution from the governing body of a county or municipality requesting the applicant to provide service to the proposed territory to be served (26 Del. C. § 203D(d)(3)).

2. To obtain a Certificate of Public Convenience and Necessity ("CPCN") to provide adequate wastewater service to customers.

3. Artesian Wastewater Management, Inc. requests an informal fact finding procedure during review of the application.

4. (a) Full legal name and address of the Applicant:

ARTESIAN WASTEWATER MANAGEMENT, INC.
664 CHURCHMANS ROAD NEWARK, DE 19702

(b) Full name of the Utility's designated representative: **DAVID B. SPACHT**

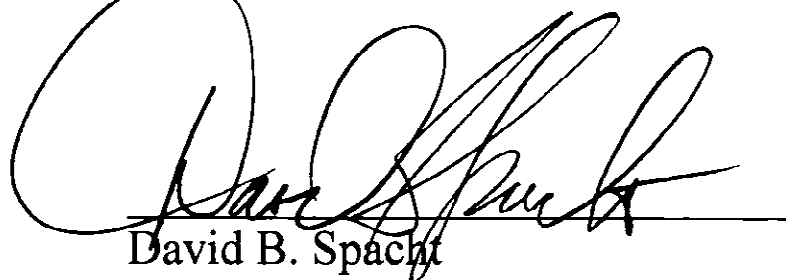
(c) Phone No.: **(302) 453-6912**

(d) Fax No.: **(302) 453-6980**

5. Supporting documentation required by 26 Del. C. § 203E(1), including evidence that all landowners of the proposed territory have been notified of the application:
See Exhibit B
6. A complete list of county tax map parcel number(s) for the area covered by the Application:
See Exhibit A
7. A complete list of tax map numbers with corresponding names and addresses of property owners and a copy of the tax map(s) for the area:
See Exhibit C
8. The Applicant hereby certifies that the extension will satisfy the provisions of 26 Del. C. §403C, including:
 - (a) The Applicant is currently not subject to a finding by the appropriate federal or state regulatory authority that we have materially failed to comply with applicable wastewater treatment standards; and
 - (b) The Applicant is not subject to any Order issued by the Commission finding that Artesian Wastewater Management, Inc. has materially failed to provide adequate or proper safe wastewater services to existing customers.
9. As shown in Exhibit A, a majority of the parcel owners of the proposed territory to be served agree with the filing of a CPCN to permitting Applicant to provide them with public wastewater services.
 - (a) A copy of the Application was sent to the Department of Public Health and Department of Natural Resources on or about December 23, 2008.
 - 1) The current status of such Application is: En route via mail
 - (b) The Applicant provides the following additional information with this Application:
 - 1) A corporate history including dates of incorporation, subsequent acquisitions and/or mergers are currently on file with the PSC;
 - 2) A chart, which depicts the inter-company relationships is currently on file with the PSC;
 - 3) A map identifying all areas, including all towns, cities, counties, and other government subdivisions to which service is already provided;

- 4) All copies of Applicant's annual reports to stockholders, and that of its subsidiaries, and parent for the last two years are currently on file with the PSC;
- 5) Applicant's audited financial statements, 10K's, and all proxy material for the last two years are currently on file with the PSC; and
- 6) Any additional information required by the PSC Staff will be made available on request.

Respectfully Submitted,

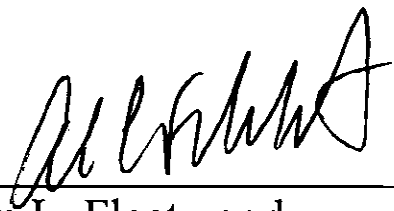
A handwritten signature in black ink, appearing to read "David B. Spacht", is written over a horizontal line.

David B. Spacht
Artesian Wastewater Management, Inc.
664 Churchmans Road
Newark, DE 19702
Telephone: (302) 453-6900
Facsimile: (302) 453-6957

Certification of Landowner Information Accuracy

I certify that I have examined and reviewed the tax records of Sussex County and that on October 29, 2008, the following listed persons are identified by those records as being the "landowners of record" (as defined by 26 Del. C. S203C(j)) of the following listed parcels:

See Attached Exhibit A



Alan L. Fleetwood
CPCN Coordinator

ARTESIAN WATER

Anthem and Holland Mills Wastewater



Map printed on: Wed Dec 17 12:11:28 2008

0 1744.8ft

Anthem and Holland Mills

Anthem and Holland Mills Wastewater Exhibit A and C

| | | | | | | |
|--------------------------|-------------------------------|------------|-------------|-------|-------|-------|
| Parcelid | Owner Name | Owner Last | Address | City | State | Zip |
| 235-26.00-7.00 and -8.00 | Holland Mills Development LLC | | P O Box 212 | Lewes | DE | 19958 |

Artesian Wastewater Management Wastewater Service Petition

We the undersigned, request to be included in the wastewater service territory of Artesian Wastewater Management, Inc. for the following property in Sussex County, Delaware.

Parcel Nos.: 235-26.00-7.00
235-26.00-8.00

Property Description: Anthem and Holland Mills Developments
Property Owner(s): Holland Mills Development LLC

Signature: By: *Preston Lynch Dyer* Title: Member Date: 10-14-08

Signature: _____ Title: _____ Date: _____

Return to
Artesian Wastewater Management, Inc.
664 Churchmans Road
Newark, DE 19702

RESOLUTION

BE IT RESOLVED, this 14th day of October 2008, by the undersigned members of Holland Mills Development, L.L.C., hereinafter ("Holland Mills"), that at a duly held meeting the following was asserted, certified and agreed to:

1. Holland Mills is the owner of Tax Map 2-35-26, Parcel #8 under the Deed from Truitt William Jefferson to Holland Mills Development, L.L.C. dated July 5, 2006 of record in the office of the Recorder of Deeds in Deed Book 3331 Page 28 and Tax Map 2-35-26, Parcel #7, dated July 5, 2006 of record in the office of the Recorder of Deeds in Deed Book 3331 Page 24, hereinafter collectively referred to as "the Property."
2. Preston Lynch Dyer, Member of Holland Mills Development, L.L.C., is hereby authorized on behalf of said Holland Mills to execute and bind said Holland Mills in any and all agreements relating to wastewater and water services relating to the Property.

IN WITNESS WHEREOF, the undersigned Members have caused this Resolution to be duly executed the day and year aforesaid.



Preston Lynch Dyer



Joseph W. Reed



Jeffrey W. Bowers



Scott M. Dailey



100 YEARS OF SUPERIOR SERVICE

Artesian Water Company ▲ Artesian Wastewater Management ▲ Artesian Utility Development ▲ Artesian Water Maryland

October 29, 2008

Holland Mills Development LLC
P O Box 212
Lewes, DE 19958

Re: Tax Parcels 235-26.00-7.00 and 235-26.00-8.00

To Whom It May Concern:

We recently received a petition from you requesting that Artesian Wastewater Management, Inc. provide wastewater service to your property in Sussex County.

In order to provide your area with public wastewater service, Artesian must file for a Certificate of Public Convenience and Necessity (CPCN) with the Public Service Commission (PSC). Attached is information we are required to provide to all landowners within the proposed service territory prior to filing the CPCN Application.

The CPCN, when granted, will allow Artesian to be the public wastewater service provider for your area. You are not obligated to connect to the public wastewater system when it becomes available.

Under the law, the Public Service Commission is obligated to grant a CPCN to a utility to provide wastewater services if a majority of the landowners in a proposed service area have requested the utility's wastewater services. This means that even if you have not signed a request for the utility's wastewater services, your property may be included in the utility's service area if more than half of the landowners have made such requests. If you want your property included in the service territory, even though you did not sign a request for the utility's wastewater services, then you need not take any further action. However, If you do not want your property included in the utility's proposed service territory or if you oppose the utility providing services in the area, then you must do something under one or more of the attached options within 60 days.

Artesian provides excellent customer service. A recent survey of our current customers showed that 96% of our customers, if given the choice, would choose Artesian again.

If we can be of any further assistance to you, please feel free to contact me at 1-800-332-5114 or (302) 453-6983.

Sincerely,

Alan L. Fleetwood

Alan L. Fleetwood
CPCN Coordinator

LANDOWNER NOTIFICATION

In accordance with Delaware law and regulations of the Delaware Public Service Commission, the applicant, Artesian Wastewater Management, Inc., must show evidence that all landowners of the proposed territory have been notified by certified mail or its' equivalent of the filing of the Application.

- "(1) Pursuant to Title 26, §203D(d)(2) of the Delaware Code, an Application for a Certificate of Public Convenience and Necessity (CPCN) will be submitted to the Delaware Public Service Commission on or about December 1. Your property has been included within an area Artesian Wastewater Management, Inc. intends to serve with public wastewater and we are required to inform you of certain information. The area to be served is Anthem and Holland Mills. ***If you agree to the inclusion of your property in the proposed service area, no action on your part is required. Inclusion of your property in a CPCN area does not obligate you to connect immediately to our system; however, should your existing system fail and public wastewater services are deemed to be legally and publicly available, you may then be required to connect.
- (2) Under Delaware law, the Public Service Commission cannot grant a CPCN to Artesian Wastewater Management, Inc., if a majority of the landowners in the proposed wastewater service area object to the issuance of the CPCN. If you object to the issuance of a CPCN for the proposed area that includes your property, you must notify the Commission, in writing, within sixty days of your receipt of this notice or within thirty days of the filing of the completed application for a CPCN, whichever is greater.
- (3) You may also request a public hearing on this matter. The purposed of the public hearing will be to demonstrate why it would not be in the public interest for the Commission to grant Artesian Wastewater Management, Inc., a CPCN to provide wastewater services to the proposed area. A request for a public hearing must be made in writing to the Commission within sixty days of your receipt of this notice or within thirty days of the filing of the completed Application for a CPCN, whichever is greater.
- (4) The written notice of your decision to object to the issuance of the CPCN, or your written request for a public hearing, should be sent to the Secretary of the Delaware Public Service Commission at the address listed below.
- (5) Any written notice you send to the Commission must include the description of the service area referred to in paragraph (1) above, your tax parcel identification number, and the name of the applicant so the Commission will be able to identify the CPCN Application to which your notice is related.
- (6) Questions regarding objections, opt-outs, and hearings may be directed to:

Secretary
Delaware Public Service Commission
861 Silver Lake Blvd.
Cannon Building, Suite 100
Dover, DE 19904

Service
CERTIFIED MAIL RECEIPT
 (Insurance Only, No Insurance Coverage Provided)

7006 0810 0002 3743 5110

| | |
|---|---------|
| Postage | \$.42 |
| Certified Fee | 2.70 |
| Return Receipt Fee (Endorsement Required) | 2.20 |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | \$ 5.32 |

WILMINGTON DE
 OCT 29 2008
 USPS - 19804

Sent To: Holland Mills Development LLC
 Street, Apt. No., or PO Box No. PO Box 212
 City, State, ZIP+4 Lewes DE 19958

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Holland Mills Development LLC
 PO Box 212
 Lewes DE 19958

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*

☒ Agent

☐ Addressee

B. Received by (Printed Name)

RE KAY

C. Date of Delivery

10/30/08

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number
 (Transfer from service label)

7006 0810 0002 3743 5110

Anthem and Holland Mills Wastewater Exhibit A and C

Parcelid
235-26.00-7.00 and -8.00

Owner Name
Holland Mills Development LLC

Owner Last
Address
P O Box 212

City
Lewes

State Zip
DE 19958

MAPS

SEE

ORIGINALS

IN DOCKET